



*former GM Linden NSD 002186690*

November 4, 2009

Mr. Gary Greulich  
New Jersey Department of Environmental Protection  
Northern Regional Office  
7 Ridgedale Ave.  
Cedar Knolls, NJ 07927

Re: Request for No Further Action for Block 470 Part of Lot 4 at the Linden Development LLC Site (Former GM Linden Assembly Plant), Linden, New Jersey; DUK059.200.0088.  
NJDEP Case No.: E20040531

Dear Mr. Greulich:

Hull & Associates, Inc. (Hull), on behalf of Linden Development LLC (Linden Development) is herein providing supporting information and a request for No Further Action (NFA) for a portion of the Linden Development LLC Site (Former GM Linden Assembly Plant; Site). The subject parcel is a 0.1649-acre, triangular-shaped out-lot located on the west side of Linden Avenue across from the former main assembly plant and comprises Block 470 Part of Lot 4 (Property). The Property is currently an open parking area with surficial cover consisting of asphalt millings. A Property location map is included as Figure 1, and the Property layout is shown on Figure 2.

Based on its small size and irregular configuration, the Property is not currently part of Linden Development's overall redevelopment plan and is currently being prepared for sale to a third party. Linden Development is seeking a separate NFA to support the Property transaction. Information supporting the NFA request is summarized below. The report certification required by N.J.A.C. 7:26E-1.5 is included in Attachment A.

### **Background**

Linden Development is currently pursuing assessment and remediation of the overall Linden Development LLC Site under the New Jersey Department of Environmental Protection (NJDEP) Industrial Site Recovery Act (ISRA) Program (ISRA Case No. 20040531). As part of the ISRA activities, Linden Development divided the overall Site into four redevelopment areas, including the Industrial #1 Redevelopment Area, corresponding to different land use categories and planned progression of redevelopment activities. The Property includes 0.1649 acres of the Industrial #1 Redevelopment Area. Linden Development submitted a Remedial Action Work Plan (RAW) Addendum No. 2 for the Industrial #1 Redevelopment Area to NJDEP in June 2008. RAW Addendum No. 2 was approved by NJDEP via letter dated May 28, 2009.

No facility operations were historically conducted on the Property, and no Areas of Interest (AOIs) have been identified on the Property during previous assessment activities. However, the Property is situated within an area commonly underlain by historic fill. As discussed below, Linden Development installed four geotechnical soil borings at the Property to determine whether or not historic fill is present.



### **Geotechnical Investigation**

In June 2009, Linden Development installed four soil borings to determine whether or not historic fill is present underlying the Property. The boring locations are shown on Figure 2. The soil borings encountered fill material consisting of sand and gravel, reworked silts and clays, and minor amounts of concrete and wood fragments. The fill material was encountered to depths between four and six feet below ground surface. Soil boring logs are included in Attachment B.

### **Engineering Control for Historic Fill**

As outlined in approved RAW Addendum No. 2, engineering controls consisting of hardscape and clean cover materials are proposed for installation across the entirety of the Industrial #1 Redevelopment Area. While no specific remedial actions were identified for the subject Property due to the absence of AOIs, the results of the geotechnical investigation indicate that historic fill is present beneath the Property. In accordance with NJDEP's *Technical Requirements for Site Remediation (N.J.A.C. 7:26E)*, the historic fill may be assumed to contain contaminants at levels established for historic fill in *Table 4-2 - Summary of Target Contaminant Concentrations in Typical Historic Fill Material*.

Between July 8 and 10, 2009, Linden Development supplemented the surficial cover at the Property with four additional inches of asphalt millings. The asphalt millings form a protective cap and provide a physical barrier between potential receptors and underlying historic fill. Use of the asphalt millings as a protective cap was approved by the NJDEP Case Manager via phone correspondence on July 1, 2009. An as-built diagram summarizing the asphalt millings cap is provided in the proposed Deed Notice discussed below.

### **Proposed Deed Notice**

A proposed Deed Notice pursuant to *N.J.A.C. 7:26E-8* is included in Attachment C. The Deed Notice is based on NJDEP's template document and includes the required supporting narratives and exhibits documenting the engineering control installed to prevent direct contact with historic fill by potential receptors.

Included as Attachment D is a fully executed Negative Declaration Affidavit, fee submittal form and \$150 review fee.

Linden Development requests that NJDEP accept the surficial cover engineering control and proposed Deed Notice described herein to support issuance of a No Further Action letter for Block 470 Part of Lot 4. The NFA will be used to support sale of the Property to a third party. The details of that sale are currently being negotiated. As such, we would appreciate the Department's prompt review of this information so that the sale can be completed in a timely manner.

Mr. Gary Greulich  
DUK059.200.0088  
November 4, 2009  
Page 3

If you have any questions or require additional information, please contact me at (513) 459-9677.

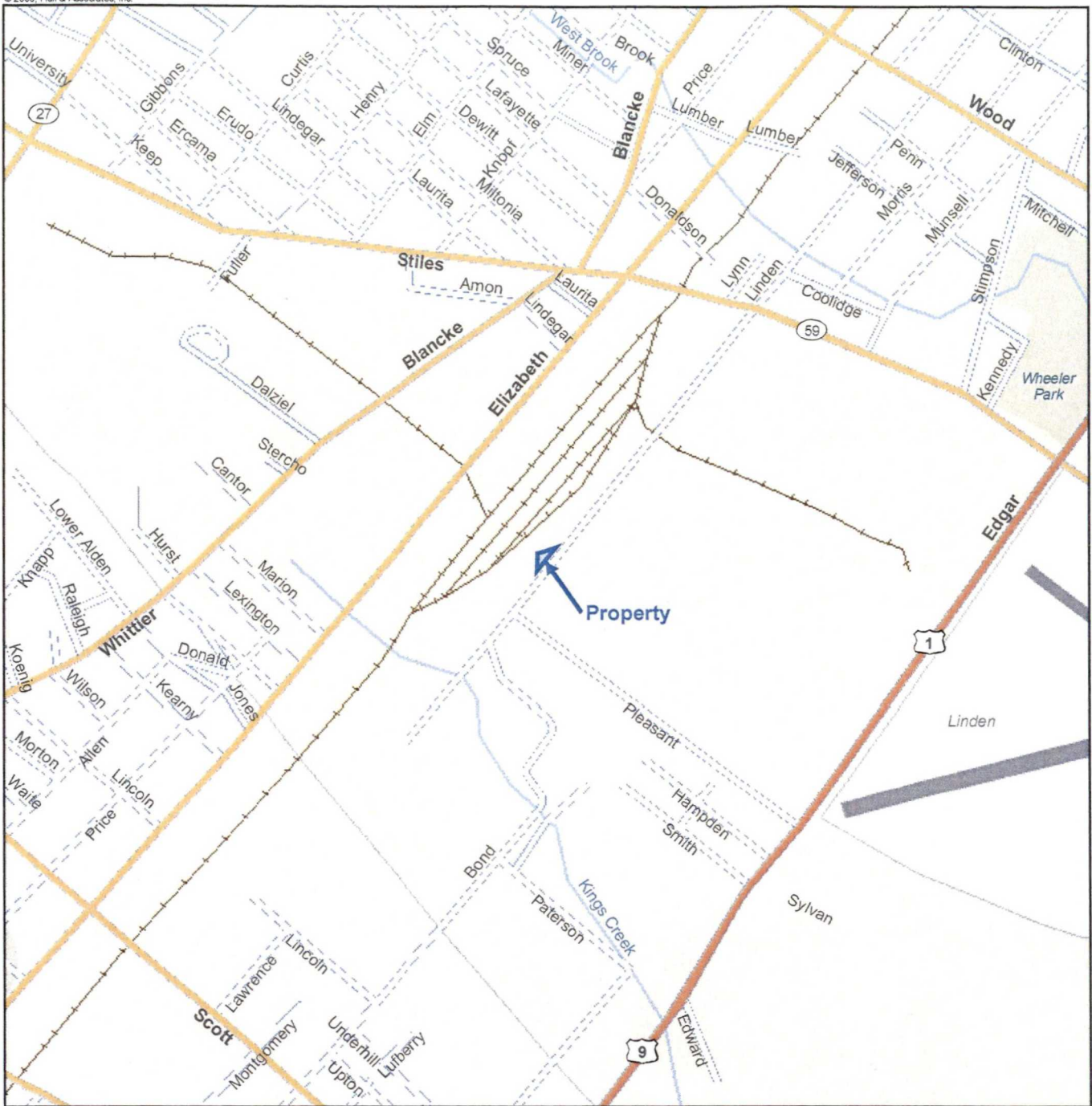
Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Bill Dennis III". The signature is stylized with a large, looped initial "B" and "D".

Bill Dennis  
Sr. Project Manager

cc: Clifford Ng (U.S. EPA)  
David Green (Duke)  
Robert Hare (AlixPartners)

## FIGURES

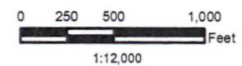


Quadrangle Location

**Legend**

 Property Boundary

Note: Basemap created from  
ArcGIS StreetMap extension.



**Hull**  
& associates, inc.

4770 Duke Drive  
Suite 300  
Mason, Ohio 45040

Phone: (513) 459-9677  
Fax: (513) 459-9869  
www.hullinc.com

Request for No Further Action  
Block 470 Part of Lot 4  
  
**Property Location Map**

Linden Development, LLC Site  
Linden, Union County, New Jersey

Date:

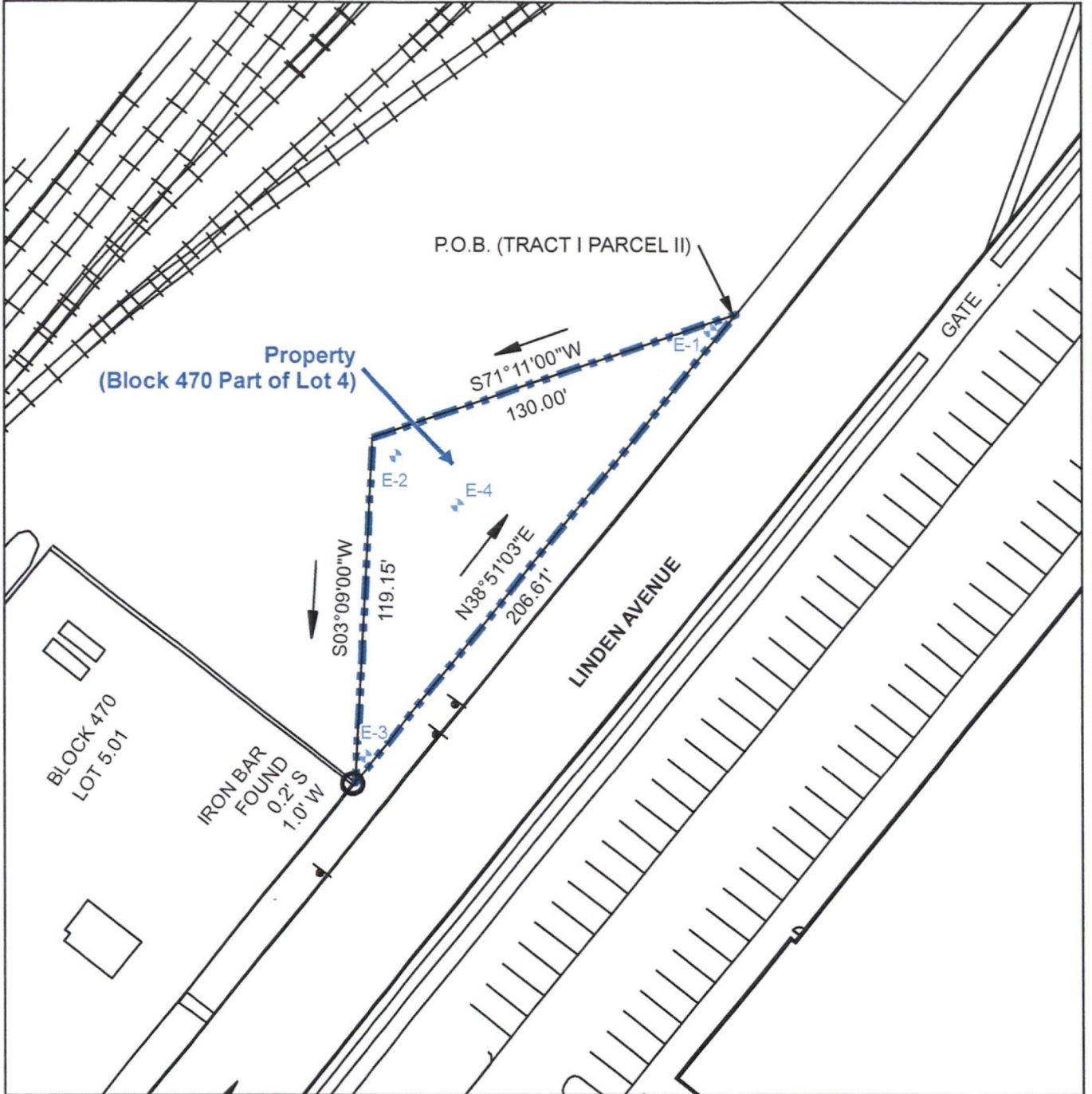
October 2009

File Name:  
DUK059\_09\_Fig01\_PropLocMap.mxd

Editor: JMH

Figure

**1**



Quadrangle Location



Note:  
Map based on ALTA/ACSM Land Title Survey created by  
Control Point Associates, Inc (File No: C08079, Date: 4-9-2008).



**Hull**  
& associates, inc.

4770 Duke Drive  
Suite 300  
Mason, Ohio 45040

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Request for No Further Action  
Block 470 Part of Lot 4

### Property Layout with Soil Boring Locations

Linden Development, LLC Site  
Linden, Union County, New Jersey

Date:

October 2009

File Name:  
DUK059\_09\_Fig02\_PropLayout.mxd

Editor: JMH

Figure

2

**ATTACHMENT A**  
**Report Certification**

**Certification**

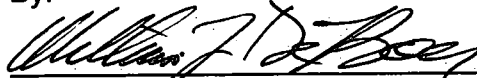
**Linden Development, LLC  
ISRA Case Number E20040531**

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, to the best of my knowledge the submitted information is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of N.J.S.A. 13:1K-6 et seq., I am personally liable for the penalties set forth at N.J.S.A. 13:1K-13.

Date: 10/23/09

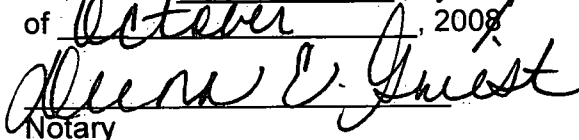
Linden Development, LLC

By:



William J. DeBoer, Executive V.P.

Sworn to and subscribed to before  
me on this 23rd day  
of October, 2008

  
Notary

Deena E. Griest  
Notary Public-State of Ohio  
My Commission Expires  
May 29, 2012



**ATTACHMENT B**

**Soil Boring Logs**

# Hull

& associates, inc.

Former General Motors Facility  
Block 470, Part of Lot 4  
Linden, New Jersey

Project Number: DUK059

Project Manager: Bill Dennis

Date Started : 6/25/2009  
Date Completed : 6/25/2009  
Logged by : M. Begley  
Reviewed by : B. Dennis  
Drilling Contractor : GCI  
Drilling Method : 2.25 Solid Stem Auger  
Sampling Method : 2"x2' Split Spoon  
Total Depth (ft.) : 14.7  
S. Water Level Date : Not Measured  
S. Water Level (ft.) : NA

## LOG OF BORING E-1

(Page 1 of 1)

Approx. G. Elev. : NA  
PID Model : NA  
PID Calibration : NA

Soil Samples							
<div><div><div></div></div> Sample Recovered</div> <div><div></div></div> Sample Sent to Lab							
Depth in Feet	Sample Interval/ Sample Recovery	Sampler Type/ Sample Number	PID / FID (ppm)	Blow Count (6"-6'-6"-6")	Samples	GRAPHIC	DESCRIPTION
0	2.0/1.5	SP1/SS1	NA	7-11-12-13	<div><div></div></div>	<div><div></div></div>	0.0 to 0.3 - Loose black silty SAND and GRAVEL FILL, very moist.
							0.3 to 0.6 - Loose dark brown silty SAND and GRAVEL FILL, moist.
1							0.6 to 1.5 - Medium stiff reddish-brown sandy CLAY FILL, trace gravel, moist.
2	2.0/2.0	SP2/SS2	NA	3-3-4-4	<div><div></div></div>	<div><div></div></div>	2.0 to 4.0 - Medium stiff reddish-brown silty CLAY FILL, few gravel, little sand, moist.
3							
4	2.0/2.0	SP3/SS3	NA	4-5-6-8	<div><div></div></div>	<div><div></div></div>	4.0 to 6.0 - Medium stiff reddish-brown sandy CLAY, little gravel, moist.
5							
6							
7							
8	2.0/1.6	SP4/SS4	NA	2-2-3-3	<div><div></div></div>	<div><div></div></div>	8.0 to 9.6 - Soft reddish-brown sandy SILT, wet.
9							
10							
11							
12							
13	2.0/1.7	SP5/SS5	NA	2-3-3-4	<div><div></div></div>	<div><div></div></div>	13.0 to 14.7 - Medium stiff reddish-brown sandy SILT / sandy CLAY, trace gravel, very moist to wet, water in borehole.
14							
15							

REMARKS:  
End of Test Boring at 14.7' BGS.



Date Started : 6/25/2009  
 Date Completed : 6/25/2009  
 Logged by : M. Begley  
 Reviewed by : B. Dennis  
 Drilling Contractor : GCI  
 Drilling Method : 2.25 Solid Stem Auger  
 Sampling Method : 2"x2' Split Spoon  
 Total Depth (ft.) : 14.7  
 S. Water Level Date : Not Measured  
 S. Water Level (ft.) : NA

## LOG OF BORING E-2

(Page 1 of 1)

Former General Motors Facility  
 Block 470, Part of Lot 4  
 Linden, New Jersey

Project Number: DUK059

Project Manager: Bill Dennis

Approx. G. Elev. : NA  
 PID Model : NA  
 PID Calibration : NA

Depth in Feet	Sample Interval/ Sample Recovery	Sampler Type/ Sample Number	PID / FID (ppm)	Blow Count (6" -6" -6" -6")	Samples	GRAPHIC	Soil Samples
							<div><div></div></div> Sample Recovered
DESCRIPTION							
0	2.0/2.0	SP1/SS1	NA	7-9-16-10	<div><div></div></div>	<div><div></div></div>	0.0 to 1.8 - Loose dark brown and black silty SAND and GRAVEL FILL, very moist.
1					<div><div></div></div>	<div><div></div></div>	1.8 to 2.0 - Medium stiff reddish-brown sandy CLAY FILL, trace gravel, moist.
2	2.0/1.7	SP2/SS2	NA	2-1-1-2	<div><div></div></div>	<div><div></div></div>	2.0 to 2.3 - Same as above (SAA).
3					<div><div></div></div>	<div><div></div></div>	2.3 to 3.7 - Soft light brown sandy SILT FILL, trace wood fragments, very moist.
4	2.0/1.3	SP3/SS3	NA	1-1-1-1	<div><div></div></div>	<div><div></div></div>	4.0 to 5.3 - SAA; trace wood fragments.
5					<div><div></div></div>	<div><div></div></div>	
6						<div><div></div></div>	
7						<div><div></div></div>	
8	2.0/1.5	SP4/SS4	NA	4-5-6-5	<div><div></div></div>	<div><div></div></div>	8.0 to 9.5 - Soft reddish-brown sandy SILT, very moist to wet.
9					<div><div></div></div>	<div><div></div></div>	
10						<div><div></div></div>	
11						<div><div></div></div>	
12						<div><div></div></div>	
13	2.0/1.7	SP5/SS5	NA	2-3-4-5	<div><div></div></div>	<div><div></div></div>	13.0 to 13.7 - SAA.
14					<div><div></div></div>	<div><div></div></div>	13.7 to 14.7 - Medium stiff reddish-brown sandy CLAY, very moist.
15							

### REMARKS:

End of Test Boring at 14.7' BGS.



Former General Motors Facility  
Block 470, Part of Lot 4  
Linden, New Jersey

Project Number: DUK059

Project Manager: Bill Dennis

Date Started : 6/25/2009  
Date Completed : 6/25/2009  
Logged by : M. Begley  
Reviewed by : B. Dennis  
Drilling Contractor : GCI  
Drilling Method : 2.25 Solid Stem Auger  
Sampling Method : 2"x2' Split Spoon  
Total Depth (ft.) : 14.8  
S. Water Level Date : Not Measured  
S. Water Level (ft.) : NA

## LOG OF BORING E-3

(Page 1 of 1)

Approx. G. Elev. : NA  
PID Model : NA  
PID Calibration : NA

Depth in Feet	Sample Interval/ Sample Recovery	Sampler Type/ Sample Number	PID / FID (ppm)	Blow Count (6"-6"-6"-6")	Samples	GRAPHIC	Soil Samples
							<div><div></div><div>Sample Recovered</div></div> <div><div></div><div>Sample Sent to Lab</div></div>
DESCRIPTION							
0	2.0/0.2	SP1/SS1	NA	9-8-4-4	<div><div></div></div>	<div><div></div></div>	0.0 to 0.2 - Loose black silty SAND and GRAVEL FILL, slightly moist.
1							
2	2.0/2.0	SP2/SS2	NA	2-2-3-5	<div><div></div></div>	<div><div></div></div>	2.0 to 3.8 - Medium stiff reddish-brown sandy CLAY FILL, trace gravel, trace shale fragments, moist to very moist.
3							
4	2.0/1.8	SP3/SS3	NA	4-3-4-6	<div><div></div></div>	<div><div></div></div>	3.8 to 4.0 - Loose reddish-brown silty SAND FILL, very moist.
5							4.0 to 5.8 - Medium stiff to soft reddish-brown sandy CLAY, increasing moisture with depth, moist.
6							
7							
8	2.0/0.7	SP4/SS4	NA	3-4-3-3	<div><div></div></div>	<div><div></div></div>	8.0 to 8.7 - Soft reddish-brown sandy SILT, wet.
9							
10							
11							
12							
13	2.0/14.8	SP5/SS5	NA	4-2-3-3	<div><div></div></div>	<div><div></div></div>	13.0 to 13.4 - Medium stiff reddish-brown sandy CLAY, very moist to wet.
14							13.4 to 14.8 - Loose reddish-brown silty SAND, wet.
15							

REMARKS:  
End of Test Boring at 14.8' BGS.



Former General Motors Facility  
Block 470, Part of Lot 4  
Linden, New Jersey

Project Number: DUK059

Project Manager: Bill Dennis








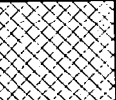
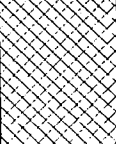
Date Started : 6/25/2009  
Date Completed : 6/25/2009  
Logged by : M. Begley  
Reviewed by : B. Dennis  
Drilling Contractor : GCI  
Drilling Method : 2.25 Solid Stem Auger  
Sampling Method : 2"x2' Split Spoon  
Total Depth (ft.) : 4.0  
S. Water Level Date : Not Measured  
S. Water Level (ft.) : NA

## LOG OF BORING E-4

(Page 1 of 1)

Approx. G. Elev. : NA  
PID Model : NA  
PID Calibration : NA

Project Manager: Bill Dennis

Depth in Feet	Sample Interval/ Sample Recovery	Sampler Type/ Sample Number	PID / FID (ppm)	Blow Count (6"-6"-6"-6")	Samples	GRAPHIC	Soil Samples
							 Sample Recovered  Sample Sent to Lab
							DESCRIPTION
0	2.0/2.0	SP1/SS1	NA	10-18-6-4	    	 	0.0 to 1.4 - Loose brown and black silty SAND and GRAVEL FILL, few concrete fragments, slightly moist.
1				1.4 to 2.0 - Medium stiff brown sandy CLAY FILL, trace gravel, moist.			
2	2.0/2.0	SP2/SS2	NA	6-8-10-12			2.0 to 4.0 - Medium stiff reddish-brown silty CLAY FILL, little sand, trace gravel, slightly moist.
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							

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REMARKS:  
End of Test Boring at 4.0' BGS.

**ATTACHMENT C**  
**Proposed Deed Notice**

IN ACCORDANCE WITH N.J.S.A. 58:10B-13, THIS DOCUMENT IS TO BE  
RECORDED IN THE SAME MANNER AS ARE DEEDS AND OTHER INTERESTS IN  
REAL PROPERTY.

Prepared by: \_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[Print name below signature]

Recorded by:

\_\_\_\_\_  
[Signature, Officer of County Recording Office]

\_\_\_\_\_  
[Print name below signature]

#### DEED NOTICE

This Deed Notice is made as of the \_\_\_\_ day of \_\_\_\_, \_\_\_\_, by Linden Development, LLC, c/o Duke Realty Corporation, 5600 Blazer Parkway, Suite 100, Dublin, Ohio 43017, (together with his/her/its/their successors and assigns, collectively "Owner").

1. THE PROPERTY. Linden Development, LLC, c/o Duke Realty Corporation, 5600 Blazer Parkway, Suite 100, Dublin, Ohio 43017, is the owner in fee simple of certain real property designated as Block 470 Part of Lot 4, on the tax map of the City of Linden, Union County; the New Jersey Department of Environmental Protection Program Interest Number (Preferred ID) for the contaminated site which includes this property is 014755; and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. DEPARTMENT'S ASSIGNED BUREAU. The Bureau of Northern Field Operations was the New Jersey Department of Environmental Protection program that was responsible for the oversight of the remediation of the Property. The matter was Case No. 014755 (Preferred ID).

3. SOIL CONTAMINATION. Linden Development, LLC has remediated contaminated soil at the Property, and the New Jersey Department of Environmental Protection approved a remedial action on May 28, 2009, such that soil contamination remains in certain areas of the Property which contains contaminants in concentrations that do not allow for the unrestricted use of the Property; this soil contamination is described, including the type, concentration and specific location of such contaminants, in Exhibit B, which is attached hereto and made a part

hereof. As a result, there is a statutory requirement for this Deed Notice and engineering controls in accordance with N.J.S.A. 58:10B-13.

4. CONSIDERATION. In accordance with the New Jersey Department of Environmental Protection's approval of the remedial action work plan for the remediation of the site which included the Property, and in consideration of the terms and conditions of that approval, and other good and valuable consideration, Owner has agreed to subject the Property to certain statutory and regulatory requirements which impose restrictions upon the use of the Property, to restrict certain uses of the Property, and to provide notice to subsequent owners, lessees and operators of the restrictions and the monitoring, maintenance, and biennial certification requirements outlined in this Deed Notice and required by law, as set forth herein.

5A. RESTRICTED AREAS. Due to the presence of these contaminants, the Owner has agreed, as part of the remedial action for the Property, to restrict the use of certain parts of the Property (the "Restricted Areas"); a narrative description of these restrictions, along with the associated monitoring and maintenance activities and the biennial certification requirements are provided in Exhibit C, which is attached hereto and made a part hereof. The Owner has also agreed to maintain a list of these restrictions on site for inspection by governmental enforcement officials.

5B. ENGINEERING CONTROLS. Due to the presence and concentration of these contaminants, the Owner has also agreed, as part of the remedial action for the Property, to the placement of certain engineering controls on the Property; a narrative description of these engineering controls, along with the associated monitoring and maintenance activities and the biennial certification requirements are provided in Exhibit C.]

#### 6A. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

i. Except as provided in Paragraph 6B, below, no person shall make, or allow to be made, any alteration, improvement, or disturbance in, to, or about the Property which disturbs any engineering control at the Property without first obtaining the express written consent of the Department of Environmental Protection. Nothing herein shall constitute a waiver of the obligation of any person to comply with all applicable laws and regulations including, without limitation, the applicable rules of the Occupational Safety and Health Administration. To request the consent of the Department of Environmental Protection, contact:

Department of Environmental Protection  
Division of Remediation Management and Response  
Bureau of Operation, Maintenance, and Monitoring  
Deed Notice Inspection Program  
P.O. Box 413  
401 E. State Street  
Trenton, NJ 08625-0413



ii. Notwithstanding subparagraph 6A.i., above, the Department of Environmental Protection's express written consent is not required for any alteration, improvement, or disturbance provided that the owner, lessee or operator:

(A) Notifies the Department of Environmental Protection of the activity by calling the DEP Hotline, at 1-877-WARN-DEP or 1-877-927-6337, within twenty-four (24) hours after the beginning of each alteration, improvement, or disturbance;

(B) Restores any disturbance of an engineering control to pre-disturbance conditions within sixty (60) calendar days after the initiation of the alteration, improvement or disturbance;

(C) Ensures that all applicable worker health and safety laws and regulations are followed during the alteration, improvement, or disturbance, and during the restoration;

(D) Ensures that exposure to contamination in excess of the applicable remediation standards does not occur;

(E) Submits a written report, describing the alteration, improvement, or disturbance, to the Department of Environmental Protection within sixty (60) calendar days after the end of each alteration, improvement, or disturbance. The owner, lessee or operator shall include in the report the nature of the alteration, improvement, or disturbance, the dates and duration of the alteration, improvement, or disturbance, the name of key individuals and their affiliations conducting the alteration, improvement, or disturbance, a description of the notice the Owner gave to those persons prior to the disturbance, the amounts of soil generated for disposal, if any, the final disposition and any precautions taken to prevent exposure. The owner, lessee, or operator shall submit the report to:

Department of Environmental Protection  
Division of Responsible Party Site Remediation  
Bureau of Case Management  
Deed Notice Inspection Program  
P.O. Box 028  
401 E. State Street  
Trenton, NJ 08625-0028

6B. EMERGENCIES. In the event of an emergency which presents, or may present, an unacceptable risk to the public health and safety, or to the environment, any person may temporarily breach any engineering control provided that that person complies with each of the following:

i. Immediately notifies the Department of Environmental Protection of the emergency, by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337;

ii. Limits both the actual disturbance and the time needed for the disturbance to the minimum reasonably necessary to adequately respond to the emergency;

iii. Implements all measures necessary to limit actual or potential, present or future risk of exposure to humans or the environment to the contamination;

iv. Notifies the Department of Environmental Protection when the emergency has ended by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337;

v. Restores the engineering control to the pre-emergency conditions as soon as possible, and provides a written report to the Department of Environmental Protection of such emergency and restoration efforts within sixty (60) calendar days after completion of the restoration of the engineering control. The report must include all information pertinent to the emergency, potential discharges of contaminants, and restoration measures that were implemented, which, at a minimum, should specify: (a) the nature and likely cause of the emergency, (b) the potential discharges of or exposures to contaminants, if any, that may have occurred, (c) the measures that have been taken to mitigate the effects of the emergency on human health and the environment, (d) the measures completed or implemented to restore the engineering control, and (e) the changes to the engineering control or site operation and maintenance plan to prevent reoccurrence of such conditions in the future. The owner, lessee, or operator shall submit the report to:

Department of Environmental Protection  
Division of Remediation Management and Response  
Bureau of Operation, Maintenance, and Monitoring  
Deed Notice Inspection Program  
P.O. Box 413  
401 E. State Street  
Trenton, NJ 08625-0413

**7A. MONITORING AND MAINTENANCE OF DEED NOTICE, AND PROTECTIVENESS CERTIFICATION.** The persons in any way responsible, pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq., for the hazardous substances that remain at the Property, the persons responsible for conducting the remediation, the Owner, and the subsequent owners, lessees, and operators, shall monitor and maintain this Deed Notice, and certify to the Department on a biennial basis that the remedial action that includes this Deed Notice remains protective of the public health and safety and of the environment. The subsequent owners, lessees and operators have this obligation only during their ownership, tenancy, or operation. The specific obligations to monitor and maintain the deed notice shall include all of the following:

i. Monitoring and maintaining this Deed Notice according to the requirements in Exhibit C, to ensure that the remedial action that includes the Deed Notice continues to be protective of the public health and safety and of the environment;

ii. Conducting any additional remedial investigations and implement any additional remedial actions, that are necessary to correct, mitigate, or abate each problem related to the protectiveness of the remedial action for the site prior to the date that the certification is due

to the Department pursuant to iii, below, in order to ensure that the remedial action that includes this Deed Notice remains protective of the public health and safety and of the environment.

iii. Certify to the Department of Environmental Protection as to the continued protectiveness of the remedial action that includes this Deed Notice, on a form provided by the Department and consistent with N.J.A.C. 7:26C-1.2 (a)1, every two years on the anniversary of the date stamped on the deed notice that indicates when the deed notice was recorded;

**7B. MONITORING AND MAINTENANCE OF ENGINEERING CONTROLS, AND PROTECTIVENESS CERTIFICATION.** The persons in any way responsible, pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq., for the hazardous substances that remain at the Property, the person responsible for conducting the remediation, and, the Owner, and the subsequent owners, lessees, and operators, shall maintain all engineering controls at the Property and certify to the Department on a biennial basis that the remedial action of which each engineering control is a part remains protective of the public health and safety and of the environment. The subsequent owners, lessees and operators have this obligation only during their ownership, tenancy, or operation. The specific obligations to monitor and maintain the engineering controls shall include the following:

i. Monitoring and maintaining each engineering control according to the requirements in Exhibit C, to ensure that the remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment;

ii. Conducting any additional remedial investigations and implement any additional remedial actions, that are necessary to correct, mitigate, or abate each problem related to the protectiveness of the remedial action for the Property prior to the date that the certification is due to the Department pursuant to iii, below, in order to ensure that the remedial action that includes the engineering control remains protective of the public health and safety and of the environment.

iii. Certify to the Department of Environmental Protection as to the continued protectiveness of the remedial action that includes the engineering control, on a form provided by the Department and consistent with N.J.A.C. 7:26C-1.2 (a)1, every two years on the anniversary of the date stamped on the deed notice that indicates when the deed notice was recorded.

**8. ACCESS.** The Owner and the subsequent owners, lessees and operators agree to allow the Department, its agents and representatives access to the Property to inspect and evaluate the continued protectiveness of the remedial action that includes this Deed Notice and to conduct additional remediation to ensure the protection of the public health and safety and of the environment if persons responsible for monitoring the protectiveness of the remedial action, as described in Paragraph 7, above, fail to conduct such remediation pursuant to this Deed Notice as required by law. The Owner, and the subsequent owners and lessees, shall also cause all leases,

subleases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring that all holders thereof provide such access to the Department.

## 9. NOTICES.

i. The Owner and the subsequent owners and lessees, shall cause all leases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring all holders thereof to take the Property subject to the restrictions contained herein and to comply with all, and not to violate any of the conditions of this Deed Notice. Nothing contained in this Paragraph shall be construed as limiting any obligation of any person to provide any notice required by any law, regulation, or order of any governmental authority.

ii. Owner and all subsequent owners and lessees shall notify any person intending to conduct invasive work or excavate within the Restricted Areas at the Property, including, without limitation, tenants, employees of tenants, and contractors of the nature and location of contamination in the Restricted Areas, and, of the precautions necessary to minimize potential human exposure to contaminants.

iii. The Owner and the subsequent owners shall provide written notice to the Department of Environmental Protection at least thirty (30) calendar days before the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the owner's interest in the Restricted Area.

iv. The Owner and the subsequent owners shall provide written notice to the Department within thirty (30) calendar days following the owner's petition for or filing of any document initiating a rezoning of the Property. The Owner and the subsequent owners shall submit the written notice to:

Department of Environmental Protection  
Division of Remediation Management and Response  
Bureau of Operation, Maintenance, and Monitoring  
Deed Notice Inspection Program  
P.O. Box 413  
401 E. State Street  
Trenton, NJ 08625-0413.

## 10. ENFORCEMENT OF VIOLATIONS.

i. This Deed Notice itself is not intended to create any interest in real estate in favor of the Department of Environmental Protection, nor to create a lien against the Property, but merely is intended to provide notice of certain conditions and restrictions on the Property and to reflect the regulatory and statutory obligations imposed as a conditional remedial action for this site.

ii. The restrictions provided herein may be enforceable solely by the Department against any person who violates this Deed Notice. To enforce violations of this Deed Notice, the

Department may initiate one or more enforcement actions pursuant to N.J.S.A. 58:10-23.11u and require additional remediation and assess damages pursuant to N.J.S.A. 58:10-23.11g.

11. SEVERABILITY. If any court of competent jurisdiction determines that any provision of this Deed Notice requires modification, such provision shall be deemed to have been modified automatically to conform to such requirements. If a court of competent jurisdiction determines that any provision of this Deed Notice is invalid or unenforceable and the provision is of such a nature that it cannot be modified, the provision shall be deemed deleted from this instrument as though the provision had never been included herein. In either case, the remaining provisions of this Deed Notice shall remain in full force and effect.

12. SUCCESSORS AND ASSIGNS. This Deed Notice shall be binding upon Owner and upon Owner's successors and assigns, and subsequent owners, lessees and operators while each is an owner, lessee, or operator of the Property.

### 13. MODIFICATION AND TERMINATION.

i. Any person may request in writing, at any time, that the Department modify this Deed Notice where performance of subsequent remedial actions, a change of conditions at the Property, or the adoption of revised remediation standards suggest that modification of the Deed Notice would be appropriate.

ii. Any person may request in writing, at any time, that the Department terminate this Deed Notice because the conditions which triggered the need for this Deed Notice are no longer applicable.

iii. This Deed Notice may be revised or terminated only upon filing of an instrument, executed by the Department, in the office of the County Clerk of Union County, New Jersey, expressly modifying or terminating this Deed Notice.

### 14A. EXHIBIT A. Exhibit A includes the following maps of the Property and the vicinity:

i. Exhibit A-1: Vicinity Map - A map that identifies by name the roads, and other important geographical features in the vicinity of the Property (for example, Hagstrom County Maps);

ii. Exhibit A-2: Metes and Bounds Description - A metes and bounds description of the Property, including reference to tax lot and block numbers for the Property;

iii. Exhibit A-3: Property Map - A scaled map of the Property, scaled at one inch to 200 feet or less, and if more than one map is submitted, the maps shall be presented as overlays, keyed to a base map; and the Property Map shall include diagrams of major surface topographical features such as buildings, roads, and parking lots.

### 14B. EXHIBIT B. Exhibit B includes the following descriptions of the Restricted Areas:

i. Exhibit B-1: Restricted Area Map - A separate map for each restricted area that includes:

(A) As-built diagrams of each engineering control, including caps, fences, slurry walls, ground water monitoring wells, and ground water pumping system;

(B) As-built diagrams of any buildings, roads, parking lots and other structures that function as engineering controls; and

(C) Designation of all soil and sediment sample locations within the restricted areas that exceed any soil or sediment standard that are keyed into one of the tables described in the following paragraph.

ii. Exhibit B-2: Restricted Area Data Table - A separate table for each restricted area that includes:

(A) Sample location designation from Restricted Area map (Exhibit B-1);

(B) Sample elevation based upon mean sea level;

(C) Name and chemical abstract service registry number of each contaminant with a concentration that exceeds the unrestricted use standard;

(D) The restricted and unrestricted use standards for each contaminant in the table; and

(E) The remaining concentration of each contaminant at each sample location at each elevation (or if historic fill, include data from the Department's default concentrations at N.J.A.C. 7:26E-4.6, Table 4-2).

14C. EXHIBIT C. Exhibit C includes narrative descriptions of the institutional controls and engineering controls as follows:

i. Exhibit C-1: Deed Notice as Institutional Control: Exhibit C-1 includes a narrative description of the restriction and obligations of this Deed Notice that are in addition to those describe above, as follows:

(A) General Description of this Deed Notice:

(1) Description and estimated size of the Restricted Areas as described above;

(2) Description of the restrictions on the Property by operation of this Deed Notice; and

(3) The objective of the restrictions.

(B) Description of the monitoring necessary to determine whether:

- (1) Any disturbances of the soil in the Restricted Areas did not result in the unacceptable exposure to the soil contamination;
- (2) There have been any land use changes subsequent to the filing of this Deed Notice or the most recent biennial certification, whichever is more recent;
- (3) The current land use on the Property is consistent with the restrictions in this Deed Notice;
- (4) Any newly promulgated or modified requirements of applicable regulations or laws apply to the site; and
- (5) Any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

(C) Description of the following items that will be included in the biennial certification:

- (1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;
- (2) Land use at the Property is consistent with the restrictions in this Deed Notice; and
- (3) The remedial action that includes this Deed Notice continues to be protective of the public health and safety and of the environment.

ii. Exhibit C-2: Engineering Controls: Exhibit C-2 includes a narrative description of the Engineering Control as follows:

(A) General Description of the engineering control:

- (1) Description of the engineering control;
- (2) The objective of the engineering control; and
- (3) How the engineering control is intended to function.

(B) Description of the operation and maintenance necessary to ensure that:

- (1) Periodic inspections of each engineering control are performed in order to determine its integrity, operability, and effectiveness;

(2) Each engineering control continues as designed and intended to protect the public health and safety and the environment;

(3) Each alteration, excavation or disturbance of any engineering control is timely and appropriately addressed to maintain the integrity of the engineering control;

(4) This engineering control is being inspected and maintained and its integrity remains so that the remedial action continues to be protective of the public health and safety and of the environment;

(5) A record of the self-inspection dates, name of the inspector, results of the inspection and condition(s) of this engineering control. Sampling, for example, may be necessary if it is not possible to visually evaluate the integrity/ performance of this engineering control; and

(6) Any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

(C) Description of the following items that will be included in the biennial certification:

(1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;

(2) The engineering controls continue to operate as designed; and

(3) The remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment.

15. SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the date first written above.

[If Owner is an individual]

WITNESS:

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[Print name below signature]



[If Owner is a corporation]

ATTEST:

[Name of corporation]

\_\_\_\_\_

By \_\_\_\_\_

\_\_\_\_\_  
[Print name and title]

\_\_\_\_\_  
[Signature]

[If Owner is a general or limited partnership]

WITNESS:

[Name of partnership]

\_\_\_\_\_

\_\_\_\_\_  
[Signature]

By \_\_\_\_\_, General  
[Print name] Partner

[If Owner is an individual]

STATE OF [State where document is executed] SS.:  
COUNTY OF [County where document is executed]

I certify that on \_\_\_\_\_, 20\_\_, [Name of Owner] personally came before me, and this person acknowledged under oath, to my satisfaction, that this person [or if more than one person, each person]

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his or her act and deed.

\_\_\_\_\_

\_\_\_\_\_, Notary Public  
[Print Name and Title]

[If Owner is a corporation]

STATE OF [State where document is executed] SS.:  
COUNTY OF [County where document is executed]

I certify that on \_\_\_\_\_, 20\_\_, [Name of person executing document on behalf of Owner] personally came before me, and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the [secretary/assistant secretary] of [Owner], the corporation named in this document;

(b) this person is the attesting witness to the signing of this document by the proper corporate officer who is the [president/vice president] of the corporation;

(c) this document was signed and delivered by the corporation as its voluntary act and was duly authorized;

(d) this person knows the proper seal of the corporation which was affixed to this document; and

(e) this person signed this proof to attest to the truth of these facts.

\_\_\_\_\_  
[Signature]

\_\_\_\_\_  
[Print name and title of attesting witness]

Signed and sworn before me on \_\_\_\_\_, 20\_\_

\_\_\_\_\_, Notary Public

\_\_\_\_\_  
[Print name and title]

[If Owner is a partnership]

STATE OF [State where document is executed] SS.:  
COUNTY OF [County where document is executed]

I certify that on \_\_\_\_\_, 20\_\_\_\_, [Name of person executing document on behalf of Owner] personally came before me, and this person acknowledged under oath, to my satisfaction, that this person:

(a) is a general partner of [Owner], the partnership named in this document;

(b) signed, sealed and delivered this document as his or her act and deed in his capacity as a general partner of [owner]; and

(c) this document was signed and delivered by such partnership as its voluntary act, duly authorized.

\_\_\_\_\_  
[Signature]

\_\_\_\_\_, General Partner  
[Print Name]

\_\_\_\_\_, Notary Public

\_\_\_\_\_  
[Print name and title]

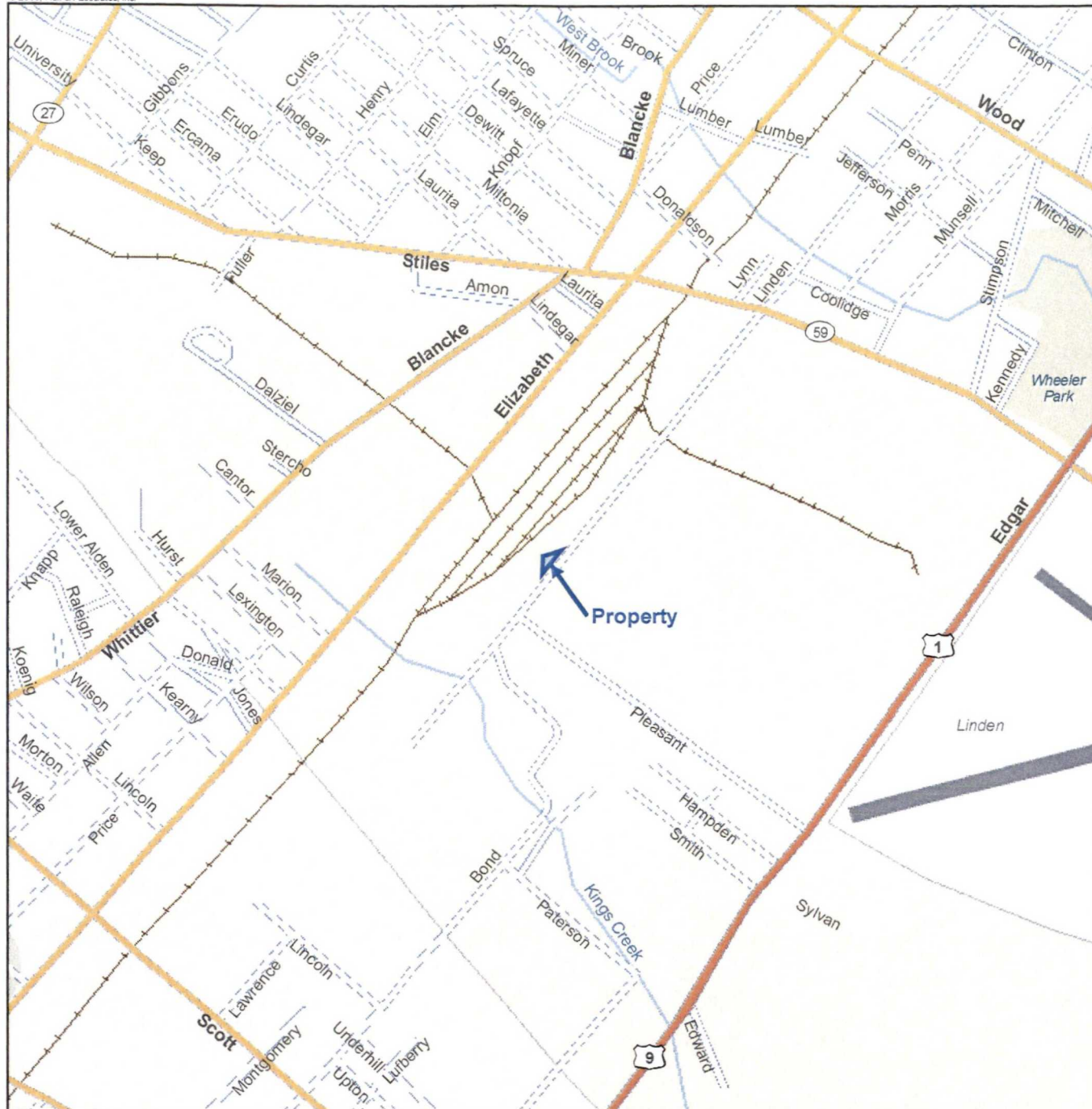
## **EXHIBIT A - MAPS OF THE PROPERTY AND THE VICINITY**

**Exhibit A-1: Vicinity Map** - map that identifies by name the roads, and other important geographical features in the vicinity of the Property;

**Exhibit A-2: Metes and Bounds Description** - metes and bounds description of the Property, including reference to tax lot and block numbers for the Property; and

**Exhibit A-3: Property Map** - scaled map of the Property, scaled at one inch to 50 feet showing major surface topographical features such as buildings, roads, and parking lots.

**Exhibit A-1: Vicinity Map**



Quadrangle Location

#### Legend

 Property Boundary

Note: Basemap created from  
ArcGIS StreetMap extension.

0 250 500 1,000  
Feet  
1:12,000



**Hull**  
& associates, inc.

4770 Duke Drive  
Suite 300  
Mason, Ohio 45040

Phone: (513) 459-9677  
Fax: (513) 459-9869  
www.hullinc.com

Block 470 Part of Lot 4

#### Vicinity Map

Linden, Union County, New Jersey

Date:

October 2009

File Name:  
DUK059\_08\_ExbA1\_VicinityMap.mxd

Editor: JMH

Exhibit

**A-1**

**Exhibit A-2: Metes and Bounds Description**

**EXHIBIT A-1**  
**LEGAL DESCRIPTION OF BLOCK 470, LOT 4**

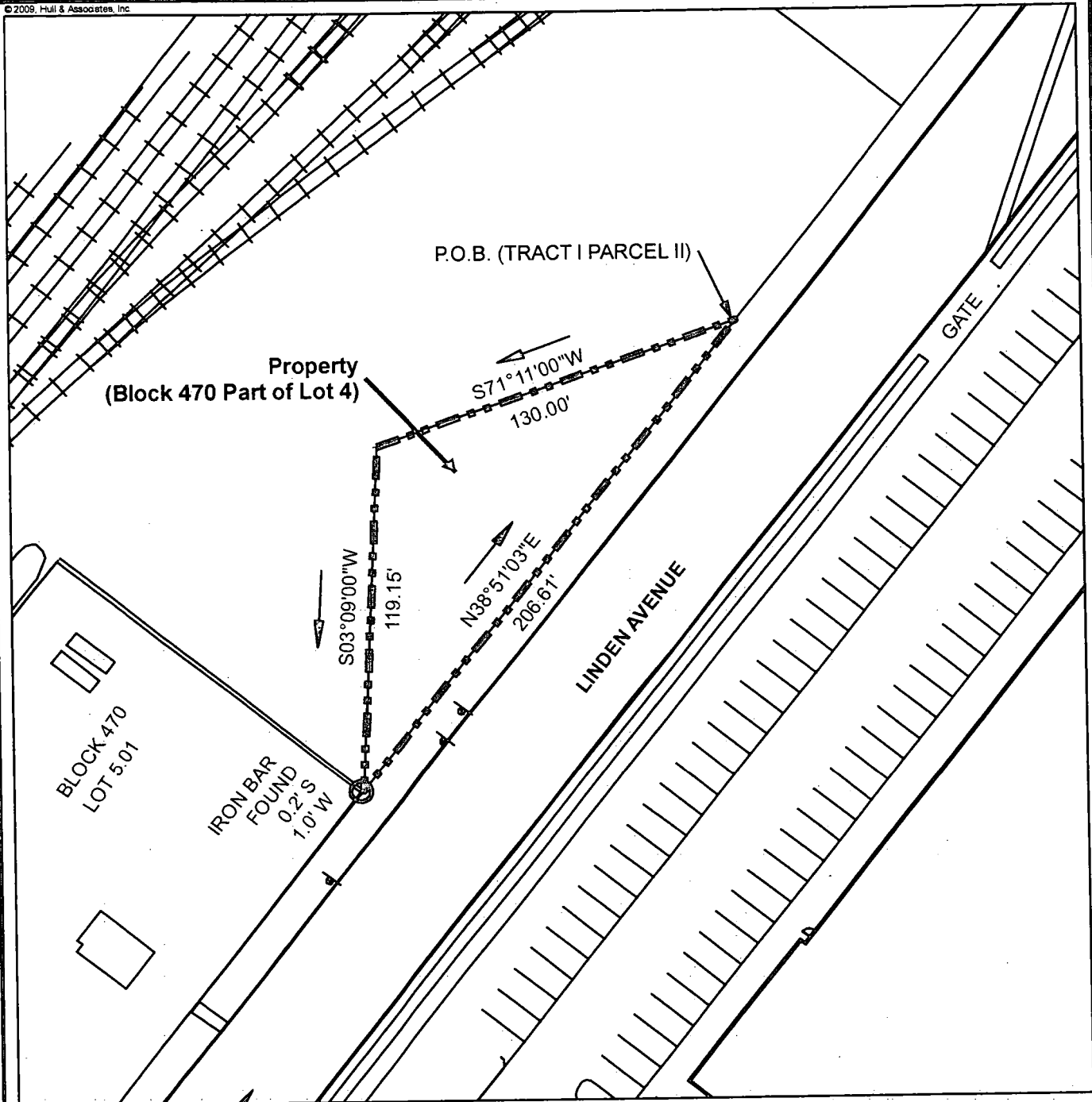
**Block 470 Part of Lot 4**

Beginning at point on the northwesterly right of way line of Linden Avenue said point being the terminus of course #5 as described in a deed conveying the lands of General Motors Corporation as recorded in deed book 1328, Page 487 as shown on the above referenced plan, and from said beginning point running thence,

- 1 Along course #6 as described in said deed and extending along course #7 reversed as described in a deed conveying the lands of General Motor Corporation as recorded in deed book 1326, Page 519, South 71° 11' 00" West a distance of 130 00 feet to a point, thence
- 2 Along lands conveyed to the Holland Company as recorded in deed book 1330, Page 92, South 03° 09' 00" West a distance of 119 15 feet to a point, thence
- 3 Along above mentioned northwesterly right of way line of Linden Avenue, North 38° 51' 03" East a distance of 206 61 feet to the point and place of beginning



### **Exhibit A-3: Property Map**

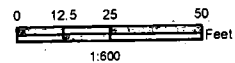


Quadrangle Location

### Legend

Property

Note:  
Map based on ALTA/ACSM Land Title Survey created by  
Control Point Associates, Inc (File No: C08079, Date: 4-9-2008).



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& associates, inc.

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Fax: (513) 459-9669  
www.hullinc.com

Block 470 Part of Lot 4

### Property Map

Linden, Union County, New Jersey

Date:

October 2009

File Name:  
DUK059\_08\_ExbA3\_PropMap.mxd

Editor: JMH

Exhibit

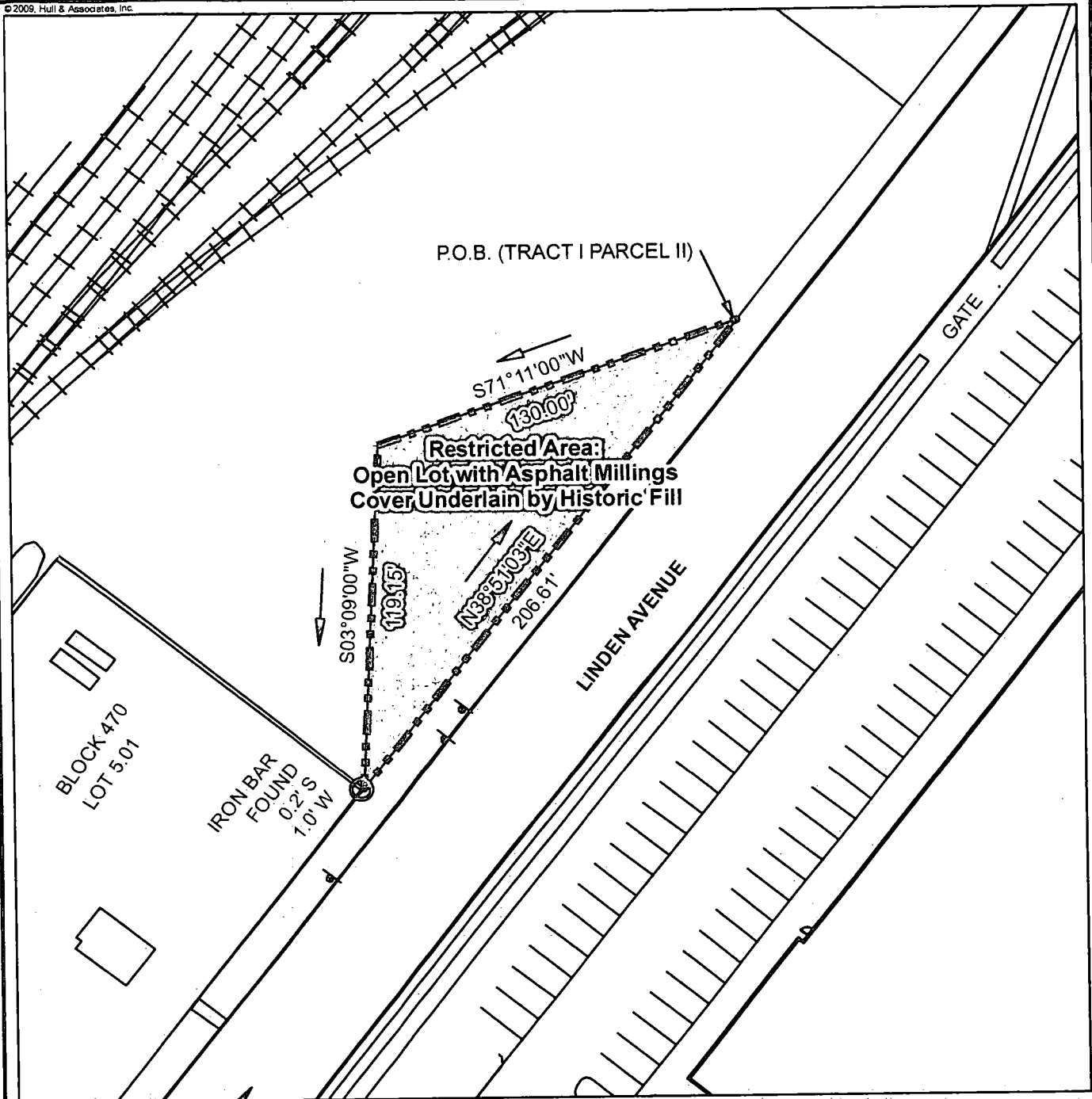
**A-3**

## EXHIBIT B - DESCRIPTION OF RESTRICTED AREAS

Exhibit B-1 includes a Restricted Area map (Figure B-1A) showing the area for soils exceeding the New Jersey Department of Environmental Protection (NJDEP) Unrestricted Use Criteria. Onsite geotechnical investigations have indicated that the Property is underlain by historical fill ranging in depth between 4 and 6 feet below ground surface. In accordance with NJDEP's *Technical Requirements for Site Remediation (N.J.A.C. 7:26E)*, the historic fill may be assumed to contain contaminants at levels established for historic fill in *Table 4-2 - Summary of Target Contaminant Concentrations in Typical Historic Fill Material*. The contaminants and associated concentrations from *Table 4-2* are summarized in the table included as Exhibit B-2. Exhibit B-1 includes an as-built diagram (Figure B-1B) showing the engineering control installed within the Restricted Area to prevent contact with historic fill material by receptors.

**Exhibit B-1: Restricted Area Map and As-Built for Engineering Control**

**Figure B-1A - Restricted Area Map**



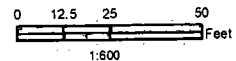
Quadrangle Location

**Legend**



Restricted Area

Note:  
Map based on ALTA/ACSM Land Title Survey created by  
Control Point Associates, Inc (File No: C08079, Date: 4-9-2008).



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Block 470 Part of Lot 4

**Restricted Area Map**

Linden, Union County, New Jersey

Date:

October 2009

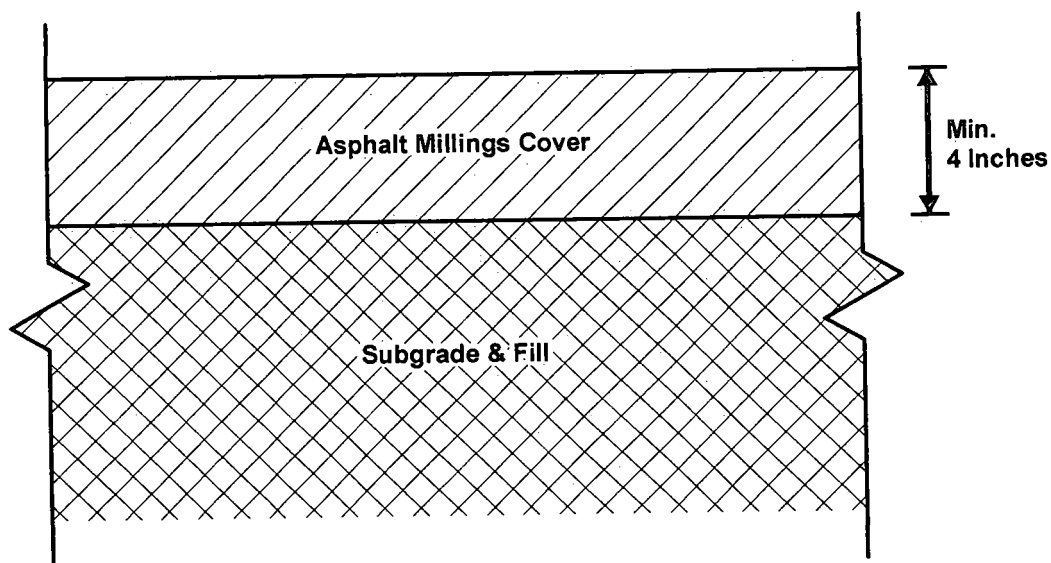
File Name:  
DUK059\_08\_FigB1A\_Restricted.mxd

Editor: JMH

Figure

**B-1A**

**Figure B-1B - As-Built Diagram for Engineering Control**



**Surficial Cover Cross Section**  
(No Scale)



Quadrangle Location

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& associates, inc.

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Mason, Ohio 45040

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Fax: (513) 459-9869  
www.hullinc.com

Block 470 Part of Lot 4

**As-Built Diagram For Engineering Control**

Linden, Union County, New Jersey

Date:

October 2009

File Name:  
DUK059\_08\_FigB1B\_AsBuilt.mxd

Editor: JMH

Figure

**B-1B**



**Exhibit B-2: Summary of Target Contaminant Concentrations  
in Typical Historic Fill Material**

### EXHIBIT B-2

Summary of Target Contaminant Concentrations in Typical Historic Fill Material (mg/kg)  
Reproduced from Table 4-2 of NJDEP's Technical Requirements for  
Site Remediation (N.J.A.C. 7:26E)

Contaminant	Maximum	Average
Benzo(a)anthracene	160	1.37
Benzo(a)pyrene	120	1.89
Benzo(b)fluoranthene	110	1.91
Benzo(k)fluoranthene	93	1.79
Indeno(1,2,3-cd)pyrene	67	1.41
Dibenz(a,h)anthracene	25	1.24
Arsenic	1,098	13.15
Beryllium	80	1.23
Cadmium	510	11.15
Lead	10,700	574
Zinc	10,900	575

## **EXHIBIT C-1 - NARRATIVE DESCRIPTION OF INSTITUTIONAL CONTROLS**

### **A) Restrictions and Obligations of this Deed Notice**

#### **1) Description and estimated size of the Restricted Area**

- i) The Restricted Area comprises Block 470 Part of Lot 4 and is shown in Exhibit B-1
- ii) The Restricted Area totals 0.1649 acres

#### **2) Description of the restrictions on the Property by operation of this Deed Notice**

- i) The Property is restricted to non-residential use.
- ii) The engineering controls detailed in Exhibit C-2 have been implemented at the Property and use of the Property is subject to the restrictions set forth in this Deed Notice.

#### **3) The objective of the restrictions**

- i) The above restrictions are in-place to prevent contact with constituents of concern potentially present in historic fill as identified in Exhibit B by receptors.
- ii) Direct contact is prevented through the restriction on the disturbance of the historical fill and through the physical barrier of the surficial cover materials, as identified in (A)(2)(iii).
- iii) Migration of potential constituents of concern is prevented by controlling the removal of the surficial cover materials, as identified in (A)(2)(iv).

### **B) Deed Notice Monitoring Requirements - The area of the restriction shall be monitored annually to determine whether:**

- 1) Any disturbances of the soil in the Restricted Areas did not result in the unacceptable exposure to the soil contamination;
- 2) There have been any land use changes subsequent to the filing of this Deed Notice or the most recent biennial certification, whichever is more recent;
- 3) The current land use on the Property is consistent with the restrictions in this Deed Notice;
- 4) Any newly promulgated or modified requirements of applicable regulations or laws apply to the site; and
- 5) Any new standards, regulations, or laws apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice, and conduct the necessary sampling.

C) Items to be Included in the Biennial Certification

- 1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;
- 2) A statement that land use at the Property is consistent with the restrictions in this Deed Notice; and
- 3) A statement that the remedial action that includes this Deed Notice continues to be protective of the public health and safety and of the environment.

**EXHIBIT C-2 - NARRATIVE DESCRIPTION OF ENGINEERING CONTROL:  
HISTORIC FILL AREA WITH EXISTING SURFICIAL GROUND COVER  
CONSISTING OF ASPHALT MILLINGS**

**A) General Description of the Engineering Control**

**1) Description of the engineering control**

- i) The engineering control consists of the existing surficial cover material consisting of four inches of asphalt millings, as shown on Exhibit B.

**2) Objective of the engineering control**

- i) The objective of the engineering control is to limit contact with constituents of concern potentially present in historic fill by receptors.

**3) How the engineering control is intended to function**

- i) Direct contact is prevented through the restriction on the disturbance of the historical fill and through the physical barrier of the surficial cover materials.
- ii) The surficial cover also mitigates potential migration of constituents of concern by erosion.

**B) Description of the Operation and Maintenance - Operation and maintenance of this engineering control is as follows:**

- 1) Periodic inspections of the engineering control are performed in order to determine its integrity, operability, and effectiveness;
- 2) The engineering control continues as designed and intended to protect the public health and safety and the environment;
- 3) Each alteration, excavation or disturbance of any engineering control is timely and appropriately addressed to maintain the integrity of the engineering control;
- 4) The engineering control is being inspected and maintained and its integrity remains so that the remedial action continues to be protective of the public health and safety and of the environment;
- 5) A record of the self-inspection dates, name of the inspector, results of the inspection and condition(s) of this engineering control shall be kept; and
- 6) A record of any assessment of any new standards, regulations, or laws that apply to the site that might necessitate additional sampling in order to evaluate the protectiveness of the remedial action which includes this Deed Notice shall be kept along with the results of any necessary sampling.

C) Items to be Included in the Biennial Deed Notice Recertification

- 1) A monitoring report that describes the specific activities, pursuant to (A) and (B), above, conducted in support of the biennial certification of the protectiveness of the remedial action that includes this Deed Notice;
- 2) A statement by an authorized representative that the engineering control continues to operate as designed; and
- 3) A statement by an authorized representative that the remedial action that includes the engineering control continues to be protective of the public health and safety and of the environment.

**ATTACHMENT D**  
**Negative Declaration Affidavit**

2/2004

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Division of Remediation Support

INDUSTRIAL SITE RECOVERY ACT

**NEGATIVE DECLARATION AFFIDAVIT**

This document shall be submitted with the preliminary assessment report, site investigation report or remedial action report when it has been demonstrated that there have been no discharges of a hazardous substance or hazardous waste at the industrial establishment or that any discharged hazardous substance or hazardous waste on or emanating from the industrial establishment has been remediated in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E and any applicable remediation standards.

1. Case # E20040531

2. A. Industrial Establishment

Name of Business Former Business: General Motors Corp. Assembly Division

Telephone # Not Applicable (site is a vacant lot)

Street Address No addressed assigned (site is a vacant lot)

City or Town Linden State NJ Zip Code 07036

Municipality City of Linden County Union

B. Tax Block Number(s) Block 470

Tax Lot Number(s) Part of Lot 4

C. Does the Industrial Establishment include the Entire Site X or a Leasehold Portion  
\_\_\_\_\_ of the Block and Lots designated in 1B above (place an "X " after the correct  
designation).

D. Standard Industrial Classification (SIC) Number 3711

NAICS Number 336112

E. Current Property Owner(s)

Business Name Linden Development, LLC

Contact Person William J. DeBoer Telephone Number (614) 932-6000

Street Address 5600 Blazer Parkway, Suite 100

Municipality Dublin State Ohio Zip Code 43017



F. Current Business Owner *Section Not Applicable (site is a vacant lot)*

Business Name \_\_\_\_\_

Contact Person \_\_\_\_\_ Telephone Number \_\_\_\_\_

Street Address \_\_\_\_\_

Municipality \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

3. Transaction/Trigger (list all that apply)

☒ Sale of Property      ☐ Sale of Business      ☐ Sale of Assets  
☐ Cessation      ☐ Foreclosure      ☐ Bankruptcy  
☐ Partnership Situation Change      ☐ Stock Transfer/Corporate Merger      ☐ Other

If the trigger includes a Cessation of Operations, check the appropriate statement.

☐ no hazardous substance(s) are left on site

☐ hazardous substance(s) remain at the industrial establishment upon cessation (ex. fuel oil or raw product). Provide an attachment listing all hazardous substances remaining on site.

4. I hereby state that a preliminary assessment report, site investigation report and/or a remedial action report as applicable has been completed at the industrial establishment listed above, in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E as evidenced by either the attached or the previously submitted preliminary assessment report, site investigation report and/or a remedial action report as applicable and based on the preliminary assessment report, site investigation report and/or a remedial action report as applicable, (check the appropriate statement)

X (Remediation of historic fill) there has been no discharge of a hazardous substance or hazardous waste on or from the industrial establishment; or

☐ any discharge(s) of a hazardous substance or hazardous waste on or from the industrial establishment have been remediated in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E and in accordance with any applicable remediation standards.

5. Please provide the name and mailing address of the property owner or business owner assuming the primary responsibility for the remediation of the referenced site subject to this filing. This is NOT the consultant or law firm hired to assist the owner or operator with their ISRA compliance obligations.

Does the listed individual or firm own the property X, business \_\_\_\_\_, or both \_\_\_\_? (Place a check in the appropriate space)

Name William J. DeBoer Title Executive Vice President

Business or Firm Linden Development, LLC Telephone # (614) 932-6000

Street Address 5600 Blazer Parkway, Suite 100

Municipality Dublin State Ohio Zip Code 43017

6. CERTIFICATION:

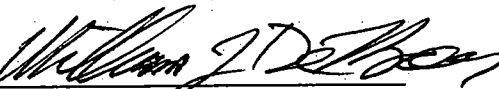
The following certification shall be signed pursuant to the requirements of N.J.A.C. 7:26B-1.6(e).

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, to the best of my knowledge the submitted information is true, accurate and complete. I am aware that there are significant civil penalties for knowingly submitting false, inaccurate, or incomplete information and that I am committing a crime of the fourth degree if I make a written false statement which I do not believe to be true. I am also aware that if I knowingly direct or authorize the violation of N.J.S.A. 13:1K-6 et seq., I am personally liable for the penalties set forth at N.J.S.A. 13:1K-13.

LINDEN DEVELOPMENT, LLC, a New Jersey limited liability company

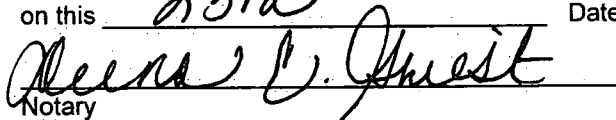
By: DUKE CONSTRUCTION LIMITED PARTNERSHIP,  
an Indiana limited partnership, Member

By: DUKE BUSINESS CENTERS CORPORATION,  
an Indiana corporation, sole General Partner

By:   
Name: William J. DeBoer  
Title: Executive Vice President

Sworn to and Subscribed Before Me

on this 23rd Date of October 192009

  
Notary



Deena E. Griest  
Notary Public-State of Ohio  
My Commission Expires  
May 29, 2012

**Duke Construction LP**

Treasurer, State of New Jersey

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT	DEDUCTION	BALANCE
10-30-09	PERMIT10/3	CO-ISRA FEE		.00	150.00
CHECK DATE	10-30-09	CHECK NUMBER	8005489	TOTAL >	.00
					150.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

THE FACE OF THIS DOCUMENT HAS A MULTICOLORED BACKGROUND ON WHITE PAPER

**Duke Construction LP**

600 East 96th Street  
Suite 100  
Indianapolis, IN 46240

Bank One, NA  
Columbus, OHIO 43271

56-1544  
441

DATE: October 30, 2009  
CHECK NO: 8005489  
AMOUNT: \$\*\*\*\*\*150.00

Pay \*\*\*\*\* One hundred fifty dollars and no cents

PAY TO THE ORDER OF  
Treasurer, State of New Jersey  
P.O. Box 308  
Trenton, NJ 08625

  
Cks over \$500,000 require Two Signatures

9703LP

8005489 10441154431 633224514

8/2007

Division of Responsible Party Site Remediation  
Industrial Site Recovery Act

INITIAL NOTICE FEE SUBMITTAL FORM

Case # (if known) E20040531

Case Name (Active Case) General Motors Corp. Assembly Division

Check drawn from the account of Duke Construction L.P. Check/M.O. # 8009489

Amount Enclosed \$150.00

Please circle the appropriate payment location(s)

- |  |   |            |
|--|---|------------|
| 1.   | General Information Notice                            | \$150.00   |
| 2.   | Preliminary Assessment Report                         | \$375.00   |
| 3.   | Site Investigation Report                             | \$750.00   |
| 4.   | Negative Declaration Review                           | \$150.00   |
| 5.   | Expedited Review Application (SEE NOTE)               | \$225.00   |
| <b>Note: This fee is not intended to "expedite" the review of a Preliminary Assessment or Site Investigation Report. All reports are reviewed in the order received by the department.</b> |   |            |
| 6.   | Remediation in Progress Waiver Application            | \$225.00   |
| 7.   | Regulated Underground Storage Tank Waiver Application | \$600.00   |
| 8.   | Area of Concern Waiver Application                    | \$150.00   |
| 9.   | Limited Site Review Application                       | \$525.00   |
| 10.  | Applicability Determination Application               | \$300.00   |
| 11.  | De minimis Quantity Exemption Application             | \$300.00   |
| 12.  | Limited Conveyance Application                        | \$600.00   |
| 13.  | Remediation Agreement Application                     | \$1,500.00 |
|  | Remediation Agreement Amendment Application           | \$750.00   |
| 14.  | Confidentiality Claim                                 | \$375.00   |
| 15.  | Remedial Action Workplan Deferral Application         | \$975.00   |

Note: All applicable fees are due with the submission of each document. Each document requires a separate review fee. Review fees are for a single review. The submission of a revised document in response to deficient submission will require a separate review fee. Fees are not transferable or refundable once a requested review has been completed or written a determination has been made by the Department.